

Licensee: _____ Individual: _____

FACTORS FOR THE SANCTION IN ACTIONS AGAINST INDIVIDUALS

" Based on OI report, OI report No.: _____ " Based on inspection report, Inspection report No.: _____ " Other: _____

A. In the case of an action against an individual, factors that may be considered in determining whether to escalate enforcement sanctions include:

1. **The level of the individual within the organization**

- " Corporate executive in large organization
 " RSO, SRO or manager above first line supervisor (e.g., President of small business, plant manager)
 " First line supervisor or other licensee official (e.g., authorized user, chief technologist, RO, radiographer)
 " User (e.g., AO, assistant radiographer, technologist, technician, QA)
 " Not normally involved in NRC-Licensed activities (e.g., laborer, carpenter, millwright etc.)

" Other, Explain: _____

2. **Culpability, the individual's training and experience as well as knowledge of the potential consequences of the wrongdoing**

- " Prior individual action against individual by NRC or significant discipline to individual for similar wrongdoing by licensee
 " Well-trained, experienced, no excuse for not appreciating the significance of wrongdoing, or management told individual not to do the wrongdoing
 " Knows it is wrong but does not appreciate the significance of the wrongdoing (does not care)
 " Newly hired, little or no experience, Knows it is wrong but does not appreciate the significance of wrongdoing; following culture of the organization
 " Deliberate " Careless disregard " No prior nuclear employment " Not likely to work nuclear in the future

" Other, Explain: _____

3. **The safety consequences of the misconduct**

- | | |
|--|--|
| " Overexposure to individual(s) | " Loss of redundancy or inoperable safety system |
| " Misadministration to individual(s) | " Low consequences |
| " Release of radiation or radioactive material | " No potential consequences |
| " Affects public health and safety | " No consequences |

" Other, Explain: _____

4. **Benefit****Wrongdoer:**

- " Significant tangible gain (e.g., monetary, financial decision, promotion, clear motive)
 " Tangible gain (e.g., avoidance of discipline, concerned about NRC inspection or licensee audit, clear motive)
 " No real benefit (e.g., leave early, get job done more quickly)
 " Other, Explain: _____

" Benefit to company, Explain: _____

5. **The degree of supervision of the individual**

- " Close supervision (e.g., supervisor in area most of the time)
 " Moderate supervision (e.g., supervised occasionally or audited occasionally)
 " No supervision

" Other, Explain: _____

6. **The employer's response**

- " Voluntary dismissal " Dismissal for cause " Denied unescorted access " Placed in PADS
 " Substantial discipline (e.g., fine, demotion, probation, additional licensee oversight of individual, removal from licensed activities if viewed as adverse action)
 " Some discipline (e.g., counseling, employee assistance program etc.)
 " None

" Other, Explain: _____

7. **The attitude of the wrongdoer**

- " Significant interference with investigation (e.g., actions such as destroying records, persuading others to lie)
 " Interference with investigation (e.g., affirmative lying)
 " Does not accept responsibility during investigation, exculpatory "no," does not provide testimony (e.g., exercising the Fifth Amendment privilege is neutral under this element)
 " Admits to wrongdoing and acceptance of responsibility
 " Cooperates during inspection and/or investigation
 " Voluntarily identified and self reported the wrongdoing with minimal expectation that it would be discovered

" Other, Explain: _____

8. **The degree of management responsibility or culpability**

- " Management directed and employee complains
 " Management directed; however, employee does not question even though employee knows it is wrong
 " Not directed by management but management does not provide resources to get the job done such that management is implicitly inviting cutting of corners, and individual does not complain
 " Management Knew of questionable conduct and took no action to correct conduct
 " No management involvement

" Other, Explain: _____

9. **Who identified the misconduct**

- | | |
|---|---|
| " Individual | " Licensee (through audit, LER, and/or investigation) |
| " Third party (e.g., allegor, union, newspaper, etc.) | " NRC (through inspection, LER, and/or investigation) |

" Other, Explain: _____

10. **Duration of violation**

- " Repetitive or continues over time; How long _____ " Isolated or relatively isolated

11. **Other**

- " The individual directed or coerced others to engage in the wrongdoing at issue
 " Unusual event with significant health and safety consequences such as death or serious injury

12. **Sanction**

- " NOV SL _____ " Order ; removal for Year(s) _____ " DFI " Prior Notice, Once _____, Year(s) _____

" Other, Explain: _____